

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STEPHEN KENNEDY,

Plaintiff,

v.

GISH, SHERWOOD & FRIENDS, INC.,

Defendant.

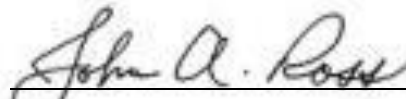
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No. 4:13-CV-2236 JAR

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Stephen Kennedy's Motion to Bar the Testimony of Scott Brooks. (Doc. No. 160) Defendant Gish, Sherwood & Friends, Inc. disclosed Mr. Brooks as a potential witness on June 26, 2015, four days prior to the deadline for completion of discovery. Because the parties have agreed that Kennedy may depose Mr. Brooks if he is going to be called as a witness at trial,

IT IS HEREBY ORDERED that Plaintiff Stephen Kennedy's Motion to Bar the Testimony of Scott Brooks [160] is **DENIED** as moot.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 5th day of November, 2015.